

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH M ANDERSON,)	Case No. 3:16-cv-00056-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	
)	October 31, 2017
THE STATE OF NEVADA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Joseph Anderson, Pro Se (telephonically)

COUNSEL FOR DEFENDANTS: James Bolotin (present)

MINUTES OF PROCEEDINGS: Motion Hearing

10:01 a.m. Court convenes.

The court first recites the recent history of the case and acknowledges that a new scheduling order (ECF No. 84) has been entered. The court explains the order was likely triggered by defendant Parks' answer (ECF No. 83) being filed.

The court next addresses defendant Parks' request for instruction regarding scheduling order (ECF No. 92) and defendant's position that the scheduling order was inadvertently entered because discovery has been completed as to defendant Parks. Additionally, the court discusses defense counsel's suggestion that because discovery has been completed, the only deadline to schedule at this time is the proposed joint pretrial order.

Next, the court addresses plaintiff's similar argument in his motion to stay discovery and proceedings (ECF No. 89). Plaintiff proposes the case be stayed pending resolution of defendants' motion (ECF No. 78) for clarification regarding the court's order (ECF No. 76) and plaintiff's motion to alter or amend the judgment (ECF No. 80).

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The court and counsel next address the discovery requests plaintiff Anderson was allowed to proceed on as to defendant Parks as instructed during the 6/14/2017 hearing (ECF No. 46). The court expresses its concern that it may have inadvertently restricted plaintiff Anderson on what discovery he may conduct as to defendant Parks. DAG Bolotin agrees with the court's concern and explains defendant Parks is willing to answer additional discovery; however, it is overall the defendants position that the complaint should not be amended to add claims and/or additional defendants.

Plaintiff Anderson informs the court that he has a new second set of discovery requests but he has not served the requests as of today's date.

After consideration, the court concludes that plaintiff Anderson is allowed to propound additional discovery as to defendant Parks. The court reminds plaintiff Anderson to serve his additional discovery request as to defendant Parks upon DAG Bolotin only, not the court.

In view of the court's conclusion that additional discovery as to defendant Parks only may proceed, the discovery cutoff deadline is **1/3/2018**, which is set forth in the current scheduling order (ECF No. 84). However, all other deadlines identified in the scheduling order (ECF No. 84) are **VACATED**.

The court reestablishes the following deadlines:

Dispositive motion(s): **Friday, 2/9/2018** and

Proposed Joint Pretrial Order: **Friday, 3/9/2018**. In the event dispositive motions are filed, the date for filing the proposed joint pretrial order shall be suspended until thirty (30) days after a decision of the dispositive motions or until further court order.

IT IS THEREFORE ORDERED that plaintiff Anderson's motion to stay discovery and proceedings (ECF No 89) and defendant Parks' request for instruction regarding scheduling order (ECF No. 92) are **GRANTED in part** and **DENIED in part** pursuant to today's discussions.

The court encourages the parties to discuss the possibility of scheduling a settlement conference and potentially setting the conference before the parties engage in additional motion practice. If the parties agree a settlement conference is appropriate, DAG Bolotin shall contact Ms. Ogden for prospective dates.

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There being no additional matters to address at this time, court adjourns at 10:49 a.m.

DEBRA K. KEMPI, CLERK OF COURT

By: /s/
Katie Lynn Ogden, Deputy Clerk